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**CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes
Thursday, August 24, 2017
9:00 AM

Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Jim Edwards, Leonard Reed, and Tim Wilkinson

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment.
These minutes are considered a draft until the Zoning Board of Adjustment approves them.

STAFF ATTENDEES: Alex Dachs, Troy Hangen, Fernando Terrones

PUBLIC ATTENDEES: None

1. CALL TO ORDER: Vice-Chairman Bill Austin called the meeting to order at 9:00am.

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Jim Edwards, Leonard Reed,

BOARD MEMBERS ABSENT: Tim Wilkinson

3. APPROVAL OF MINUTES: August 10, 2017 minutes

Len Reed motioned to approve the minutes of August 10, 2017.

Jim Edwards seconded the motion.

All in Favor, Motion passes 3-0

4. NEW BUSINESS:

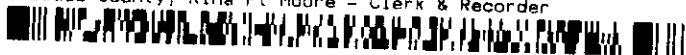
A. Public Hearing:

Troy Hangen presented the staff report. Summation is as follows: Cascade County Zoning Board of Adjustments is in receipt of a Special Use application from Anthony Eash, 190 Highway 89, Vaughn, MT, to allow light manufacturing and assembly of sheds at 46 12th Street, Vaughn, MT, per Cascade County Zoning Regulations, Sections 7.8.10 (17) & 10.1. The manufacturing and assembly work would be located on part of a tract of land adjacent to Big Sky Deli in Vaughn. According to their operational statement, Freedom Outdoor Structure will lease a 12,000 +/- square foot warehouse and employee 8-10 individuals. Mr. Eash will use 2,000 +/- square feet to maintain his business High Country Contractors LLC.

The legal description is S23, T21N, R1E; Parcel is 5720400; Geo-Code is 3136-23-4-04-02. The property is zoned Mixed Use (MU), and the surrounding land is Mixed Use (MU), or Residential (R) or Agricultural (A). The current land use is partially developed

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Total Pages: 8 R 0.00 By: bhanson 10/13/2017 02:11:06 PM
Cascade County, Rina Ft Moore - Clerk & Recorder



(Deli/Store). Anthony and Betty Eash are the legal owners of the property where the warehouse is proposed to be developed. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.

Legal Notice of the application and the public hearing was published in the Great Falls Tribune on August 13, 2017 and August 20, 2017 and mailed to surrounding neighbors on August 4, 2017. As of writing this staff report, planning staff have received zero phone calls or written comments/concerns.

An SUP is defined in Section 10.1 of the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only upon meeting all requirements set forth in the regulations. An SUP may be revoked by the CCZR at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the permit was issued. A violation of a SUP will be handled as any other violation under Section 13 of these regulations. Appeals of the ZBOA decision shall follow the process outlined in the CCZR, Section 12.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one (1) year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval. The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration. Per Section 10.7, operations in connection with the SUP shall not be more objectionable to nearby properties due to noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR are provided by staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Mr. Eash states there will be an entrance off 12th Street for the project, and estimates no more than 2-3 monthly deliveries; therefore, traffic count increase will be minimal. Planning staff received responses that an approach permit with approved sight visibility triangles and a new address would have to be issued.

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection, Mr. Eash states that they will be tied into the Vaughn Water & Sewer, Sun River Electric, and Northwestern Energy for utilities. The applicant will have to receive approval for any water supply and wastewater approval through the City-County Health Department and/or Vaughn Water and Sewer. Vaughn Volunteer Fire Department will provide fire protection and a waste dumpster will be used for material refuse to keep debris out of the neighbors' sight.

The applicant states that soil erosion and sedimentation and stormwater will not be affected on the lot, and based on the materials submitted with this application, staff does not feel this property is generating soil erosion or sedimentation. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater, and the applicant will have to receive approvals for any water supply and wastewater through the City-County Health Department and/or Vaughn Water and Sewer District.

The proposed development will not substantially injure the value of adjoining property, or is a public necessity. The applicant states that the neighbor is aware of the project. The relationship of the proposed use and the character of the development to surrounding uses and development, and whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. Staff believes that the construction of the sheds will be limited to inside the structure eliminating the chance for loud sounds and with the addition of a landscape buffer would be added for privacy. Staff has not received any opposition nor has Mr. Eash.

The proposed development will be consistent with the Cascade County Growth Policy. Consistency with the Growth Policy objectives for the various planning areas, its consistency with the Municipal and Joint Land Use plans (MJLU) incorporated by the Growth Policy.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Mr. Eash states this would bring in 8-10 manufacturing jobs, thereby adding to the tax base. The positions will be available to local residents. Mr. Eash is willing to work with different groups to promote business within Cascade County. *Staff believes that the proposed business meets objective and will likely add to the tax base, and would support the proposed application. Staff assumes that Mr. Eash supports the "build local, sell local" mind set.*

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- D. Assure clean air, clean water, a healthful environment and good community appearance.
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.

The Applicant fully supports A-E. *Staff feels the proposed use would support the forestry industry and with it being located on his land would preserve the rural feel.*

Goal 3: Maintain Agricultural economy

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Mr. Eash supports the Agricultural economy of Cascade County. *Staff believes that although the USDA characterizes the soil type as Havre loam, the lot is not large enough to support prime farmland.*

Goal 4: Retain the presence of the US Military in Cascade County.

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Staff believes that the proposed structure distance should not likely impact the US Military presence in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Mr. Eash supports preserving the rural lifestyle of Cascade County. *Staff believes that the proposed business will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.*

Consistency with the municipal and joint land use plans incorporated by the Growth Policy, and the application will likely not have an impact on the municipal or joint land use plans.

Per Section 10.7, operations, in connection with the SUP shall not be more objectionable to nearby properties due to noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use. Mr. Eash has proposed business should not be more objectionable to nearby properties. The noise created while building the sheds shall be contained inside the building and the hours of operation should be normal business hours eliminating late night noises.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the operation of Anthony Eash's leased building for the manufacturing of sheds at 46 12th St, Vaughn, MT (parcel # 0005720400) be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);
Or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the operation of Anthony Eash's leased building for the manufacturing of sheds at 46 12th St, subject to the following conditions:
 1. Mr. Eash must receive building permit for construction of structure from State of Montana Building Code Inspector.
 2. The applicant will have to acquire approval to connect to Vaughn Water and Sewer.
 3. If applicant does not receive approval to connect to Vaughn Water and Sewer by completion of warehouse, applicant must have the ability for workers and guests to use restroom within 300' of warehouse and written permission submitted to Planning Division. (per Steve Clark, State of Montana Building Code Inspector).
 4. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 5. The applicant will install landscape pursuant of County Ordinance 8.18 within 1 year of SUP approval. Failure to do so will result in violations pursuant to Section 13 of the Cascade County Zoning Regulations.
 6. The applicant will abide by all sign regulations of County Ordinance 8.1 if signage is desired.
 7. The applicant will abide by Regulation 8.4.8 to install the necessary amount of parking spaces.

Board Questions:

Troy Hangen added that he spoke with the State Building Inspector, who said the building would be approved pending payment.

Bill Austin asked for clarification about the restrooms.

Troy Hangen replied that there will be stubbing out during construction for the facilities, they are waiting for approval from the Vaughn Water & Sewer.

Len Reed asked where the Vaughn water come.

Alex Dachs added that he believes it comes from wells, lower quality.

Public Hearing opened at 9:25 am

Applicant - Proponents: none

Opponents: none

Interested Parties:

Deputy Justin Kambic, Cascade County Sheriff, explained about security concerns for this location. He reviewed the location and at this time believes that the noise and late work hours would generate some sort of complaints. The applicant may need some additional security due to the location, which could be handled by motion detectors lighting and such.

Public Hearing closed at 9:30 am

Discussion and Decision:

Jim Edwards asked about if hours might need to be enforced at the location.

Alex Dachs replied that with this being a Mixed Used (MU) the county does not fix the hours of operations. Since the construction is inside, it should lessen the noise.

Troy Hangen added that Mr. Eash implied that the work would be done during daylight hours.

Jim Edwards's concern was assisting the Sheriff on complaints.

Jim Edwards motioned to adopt the staff report and **approve** the Special Use Permit to allow the operation of Anthony Eash's leased building for the manufacturing of sheds at 46 12th St, subject to the following conditions:

1. Mr. Eash must receive building permit for construction of structure from State of Montana Building Code Inspector.
2. The applicant will have to acquire approval to connect to Vaughn Water and Sewer.
3. If applicant does not receive approval to connect to Vaughn Water and Sewer by completion of warehouse, applicant must have the ability for workers and guests to use restroom within 300' of warehouse and written permission submitted to Planning Division. (per Steve Clark, State of Montana Building Code Inspector).
4. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
5. The applicant will install landscape pursuant of County Ordinance 8.18 within 1 year of SUP approval. Failure to do so will result in violations pursuant to Section 13 of the Cascade County Zoning Regulations.
6. The applicant will abide by all sign regulations of County Ordinance 8.1 if signage is desired.
7. The applicant will abide by Regulation 8.4.8 to install the necessary amount of parking spaces.

Len Reed seconded the motion.

All in Favor, Motion passes 3-0

5. OLD BUSINESS:

None

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZONING BOARD OF ADJUSTMENTS JURISDICTION:

None

7. BOARD MATTERS:

Alex Dachs asked if the Board's schedule would allow for an October 5, 2017 meeting, as there is another special use application. Members would review their calendars.

8. ADJOURNMENT:

Len Reed motioned to adjourn.

Jim Edwards seconded motion.

All in Favor, Motion passed. Meeting adjourned at 9:32 am

Bill Austin
Brian Ruckman or Bill Austin

10-12-17
Date

Brian Clifton
Brian Clifton

10/13/17
Date